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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,032	07/31/2001	William J. Young	0007056-0069/P5132/RS	7266
32658	7590	01/05/2005	EXAMINER TO, BAOQUOC N	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			ART UNIT 2162	PAPER NUMBER

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/922,032	YOUNG ET AL.
	<b>Examiner</b> Baoquoc N To	<b>Art Unit</b> 2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 August 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-8, 10-18 and 20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-8, 10-18 and 20 is/are rejected.

7)  Claim(s) 9 and 19 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date. \_\_\_\_ . 5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

1. Claims 1-20 are pending in this application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 9 and 19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 8 and 5, 18 and 15. See MPEP § 608.01(n). Accordingly, the claims 9 and 19 not been further treated on the merits.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 10-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. (US. Patent No. 5,537,592) in view of Golshani et al. (US. Patent No. 5,787,137).

Regarding on claims 1 and 11, King teaches a method for migrating a database, including the use of:

Obtaining said database in a first database format (one of the disks is a foreign file format disk) (col. 6, lines 66-67); representing said database in an abstract database

format (database in abstract format) (col. 7, lines 1-9); sing said abstract format to convert said database to a second format (translation flag is set all of the files are translated) (col. 7, lines 1-9); and migrating said database in said second database format (col. 7, lines 1-9). King teaches the concept of converting file one format to another format. Golshani teaches “while the method of converting a schema of a data base in relational form to an object-oriented from is particularly useful in the process of integrating schemas of distributed heterogeneous database, this method also has utility in database normalization wherein a schema is converted to an OO form and back to a relational form again; the resulting relational schema will be in “Third Normal Form”, a form that has many desirable characteristics. Another, application of this method is in database organization for the purpose of migration. The object-oriented form provides an intermediary form as a midway step in the database migration” (col. 1, lines 48-58). The recited claims limitations are not clear whether or not the first database format and second database format is the same. Since Golshani discloses the conversion between first relational database to the object-oriented and back to the relation database as indicate in the citation above. The examiner interpret the first database format is the database format before the conversion to object-oriented and the second database format is the relational database format when the object-oriented converses back to the relational database. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify King’s system to include the conversion from the relational database format to object oriented format and back to the relational format in order provide a database format to service the requests.

Regarding on claims 2 and 11, King teaches said database is a production database (col. 5, lines 45-50).

Regarding on claims 3 and 12, King teaches database uses a data model (col. 10, lines 47-50).

Regarding on claims 4 and 13, King teaches abstract comprises of one or more views (col. 6, lines 40-45).

Regarding on claims 5 and 14, King teaches step of using said abstract format further comprises: writing scripts (col. 7, lines 1-18).

Regarding on claims 6 and 15, King teaches step of writing said scripts further comprises:

Writing functions to correct data format conversion (col. 7, lines 1-18).

Regarding on claim 7 and 16, King teaches step of writing said scripts further comprises: building temporary tables to map values in the first format database to values in the second format database (col. 7, lines 20-26).

Regarding on claims 8 and 17, King teaches step of writing said scripts further comprises:

Extracting data from database in first format into insert statements for the database in the second format (col. 7, lines 20-26).

Regarding on claims 10 and 20, King teaches comparing said data of the database in a first format with said data of the database in a second format further comprises:

Comparing and checking the record counts (col. 7, lines 20-27);

Comparing and checking the key and other value counts (col. 7, lines 20-27);

Comparing and checking the graphical user interface (col. 7, lines 20-27); and

Comparing and checking the logs (col. 7, lines 20-27).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Baoquoc N. To

Dec 20, 2004



JEAN M. CORRIELUS  
PRIMARY EXAMINER